

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NAHID YAZDANPARAST,  
Plaintiff,

v.

ASHLEY FURNITURE INDUSTRIES,  
LLC, et al.

Defendants.

Case No. 2:23-cv-03819-FLA (Ex)

**ORDER REMANDING ACTION**


1 On May 18, 2023, Defendant Ashley Furniture Industries, LLC (“Ashley  
2 Furniture”) removed this action based on alleged diversity jurisdiction. Dkt. 1. The  
3 court ordered all parties to show cause why the action should not be remanded for lack  
4 of subject matter jurisdiction, including but not limited to an insufficient amount in  
5 controversy. Dkt. 14. The court received and reviewed responses from Plaintiff  
6 Nahid Yazdanparast (“Plaintiff”), Ashley Furniture, and Defendant GGP Northridge  
7 Fashion Center, LP, erroneously sued as Brookfield Properties Retail Group (“GGP”).  
8 Dkts. 15, 18, 19, 20.

9 Pursuant to 28 U.S.C. § 1446 (b)(2)(A), “[w]hen a civil action is removed  
10 solely under section 1441(a), all defendants who have been properly joined and served  
11 must join in or consent to the removal of the action.” Although GGP was served on  
12 April 13, 2023, Ashley Furniture unilaterally removed this action on May 18, 2023,  
13 acknowledging that GGP was required to join in the Notice of Removal but had not  
14 yet appeared in the state action. Dkts. 1, 1-5. On June 28, 2023, GGP filed a Notice  
15 of Non-Joinder in Removal. Dkt. 12. In response to the court’s OSC, GGP maintains  
16 it does not join in or consent to the removal, and accordingly, requests this action be  
17 remanded. Dkt. 15; *see* 28 U.S.C. § 1446 (b)(2)(A). The court agrees 28 U.S.C.  
18 § 1446 (b)(2)(A) compels it to remand this action, given GGP’s refusal to join in the  
19 removal.

20 Accordingly, the court REMANDS this action to the Los Angeles County  
21 Superior Court, Case No. 21STCV43665. All dates and deadlines are VACATED.

22  
23 IT IS SO ORDERED.

24  
25 Dated: July 26, 2023

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27   
28 FERNANDO L. AENLLE-ROCHA  
United States District Judge